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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,034	04/10/2001	Sudesh Kamath	ORCL5665CIP (OID-2000-128)	8354
22430	7590	06/03/2005	EXAMINER	
YOUNG LAW FIRM A PROFESSIONAL CORPORATION 4370 ALPINE ROAD SUITE 106 PORTOLA VALLEY, CA 94028			VIG, NARESH	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,034

Applicant(s)

KAMATH ET AL.

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 - 7, 9 - 24, 26 - 30, 32 - 47, 49 - 53 and 55 - 69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 - 7, 9 - 24, 26 - 30, 32 - 47, 49 - 53 and 55 - 69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is reference to response received on 08 December 2003 to the office action mailed on 18 June 2003. There are 63 claims, claims 1, 3 – 7, 9 – 24, 26 – 30, 32 – 47, 49 – 53 and 55 – 69 pending for examination.

Priority

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

In claims 1, 24 and 47 applicant recites “responsive to receiving the first online request, providing a bifurcated order processing route that requests the customer to choose a first order processing route or a second order processing route” which is not supported by the US Application 09/645,460 for which the applicant is claiming priority of. The priority date of this application will be the 10 April 2001, the date on which the application was originally filed.

Response to Arguments

In response to applicant's argument that cited references taken alone or in combination does not teach or suggest bifurcated order processing route. However, applicant has not clearly defined bifurcated order processing route in the application originally filed on 10 April 2001.

In response to applicant's argument that there is no teaching or suggestion in cited references of applying 1-click model to the contents of the shopping cart. However, cited reference Hartman teaches plurality of items in an order for 1-click order processing [Fig. 1C]. Applicant is claiming customer to choose first order processing route or a second order processing route. Examiner has elected first order processing route which is disclosed by cited references.

In response to applicant's argument that cited references do not teach automatic checking out of the shopping cart. Applicant is arguing the limitation not claimed by the applicant.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 24 and 47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 24 and 47 recite the limitation "responsive to receiving the first online request, providing a bifurcated order processing route that requests the customers to choose a first order processing route or a second processing route". Bifurcated order processing route, first processing route and second processing route are not defined in the specification originally filed 10 April 2001. Figure 8 of the application discloses that user is given an option which they can accept or reject. When the user rejects the option, a default process is executed. User is not given a choice of choosing between Option A or Option B (first route or second route).

Appropriate correction is requested. Applicant should add the statement No New Matter Has Been Added.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 24 and 47 recites the limitation "responsive to the first online request".

Applicant receives "first online purchase request". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 – 5, 7, 9 – 24, 26 – 28, 30, 32 – 47, 49 – 51, 53 and 55 – 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes & Noble hereinafter known as B&N in view of Hartman et al. US Patent 5,960,411.

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Regarding claims 1, 24 and 47, B&N teaches system and method of processing an online purchase request from a customer to a vendor. B&N teaches express checkout button on web page [page 12, 13]. B&N teaches:

receiving a first online purchase request for a first item [page 12, 13];

responsive to receiving the first online request, providing a bifurcated order processing route that requests the customer to choose a first order processing route (Express Checkout) or a second order processing route (Standard Checkout) [page 12, 13, 28],

the first order processing route causing the first online purchase request to be processed according to an express processing procedure that requires no further input by the customer to execute the first online purchase request [page 12, 13],

the second order processing route causing the first online purchase request to be placed in a shopping cart that allows one or more additional purchase requests for additional items to be placed therein [page 12],

B&N teaches express order processing (On the order form, enter your billing and credit card information. We will save this information for you in your account so that your next purchase will be even quicker) B&N does not teach the second order processing route affording the customer an opportunity to cause execution of the first and any additional purchase requests placed in the shopping card to be processed according to the express ordering processing that requires no further input by the customer to execute. However, Hartman teaches second order processing route affording the customer an opportunity to cause execution of the first and any additional purchase

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requests placed in the shopping cart to be processed according to the express ordering processing that requires no further input by the customer to execute [Fig. 1A – 1C]

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify B&N as taught by Hartman to expedite the ordering process by using previously stored information to complete the transaction.

Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that B&N teaches website

"www.BarnesAndNoble.com". B&N in view of Hartman teaches:

- at least one processor (B&N server);

- at least one data storage device (B&N teaches to store account information);

- a plurality of processes spawned by said at least one processor (B&N teaches to allow customers to perform plurality of functions on their web site).

- a machine-readable medium having data stored thereon representing sequences of instructions which, when executed by computing device, causes said computing device to process an online purchase request from a customer to a vendor (a computer is required to load the instructions from machine-readable medium to function as intended by the business. For example, CDROM, ROM, RAM, Flash Memory, Floppy diskette etc. which have sequence of instructions stored on them to allow the computer to read information from during the initial program load).

Applicant is receiving the purchase order request for the first item, and, responsive to receiving first online request, applicant provides bifurcated order processing route. Applicant is just receives the purchase request from the user is non-

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functional data because applicant does not does not claim how the purchase request data is used to fulfill the purchase order request received from the user.

In addition, applicant does not claim the limitation on how the purchase request is received from the user. It is not clear whether the user uses a telephone to make a purchase request, applicant provides an web page using which applicant makes a purchase request, applicant sends in a fax or a purchase order to make a purchase request

Regarding claims 3, 26 and 49, B&N in view of Hartman teaches enabling the customer to create a list that includes the first and at least one second item, the list being persistently stored to enable later retrieval and use [page 12].

With respect to the recitation defining what kind of data is being stored in the list (shopping cart), this is considered to be non-functional descriptive material that does not distinguish (define) over the applied prior art. The prior art stores data and is fully capable of storing the claimed type of data, this is the extend to which weight will be given to the claimed data. When descriptive material is not functionally related to the article, the descriptive material will not distinguish the invention from the prior art in terms of patentability, *In re Gulack*, 217 USPQ 401 (CAFC 1983).

Regarding claims 4, 27 and 50, B&N in view of Hartman teaches first item includes a uniquely identified and pre-stored list of goods [page 12, 13].

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Regarding claims 5, 28 and 51, B&N in view of Hartman teaches list (shopping cart) includes an object, the object including at least one of another list and item.

With respect to the recitation defining what kind of data is being stored in the list (shopping cart), this is considered to be non-functional descriptive material that does not distinguish (define) over the applied prior art. The prior art stores data and is fully capable of storing the claimed type of data, this is the extend to which weight will be given to the claimed data. When descriptive material is not functionally related to the article, the descriptive material will not distinguish the invention from the prior art in terms of patentability, *In re Gulack*, 217 USPQ 401 (CAFC 1983).

Regarding claims 7, 30 and 53, B&N in view of Hartman does not teach customer identifies the first item using a unique identifier used by the customer and wherein the vendor maps the identifier used by the customer to a corresponding unique identifier used by the vendor. Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that businesses are known to identify their products using multiple unique identifiers to meet customer requirements. For example, a telecommunication customer can use vendor provided product number or a CLEI code when ordering a product from a vendor, OEM products etc.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify B&N in view of Hartman to handle alternate product numbers to enable the mothod and system to handle OEM clients.

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Regarding claims 9, 32 and 55, B&N in view of Hartman teaches:

generating a first quote that includes the processed first online purchase request, the first quote including at least one of an identification of the first item and an identification of the shopping cart;

enabling modifications to be made to the first quote, the first quote persisting at least until a consolidation interval has elapsed, and

carrying out the converting step by converting the first quote into the first executable order when a quote conversion process determines that the first quote has remained unmodified at least for the consolidation interval.

Regarding claims 10, 33 and 56, B&N in view of Hartman teaches generating an order status Web page that is viewable by the customer, the order status Web page displaying selected details of the first quote.

Regarding claims 11, 34 and 57, B&N in view of Hartman teaches order status Web page is configured to refer to the first quote as a pending order.

Regarding claims 12, 35 and 58, B&N in view of Hartman teaches to allow at least one of the customer, a selected process and at least one authorized person (person who has access to account) to modify the first quote.

Regarding claims 13, 36 and 59, B&N in view of Hartman teaches authorized person includes the customer. Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that it is a business choice to decide who the authorized persons are to handle order processing.

Regarding claims 14, 37 and 60, B&N in view of Hartman teaches quote conversion process is launched at a selectable interval.

Regarding claims 15, 38 and 61, B&N in view of Hartman teaches consolidation interval is measured from a time at which the quote conversion process is launched.

Regarding claims 16, 39 and 62, B&N in view of Hartman teaches quote conversion process runs continuously.

Regarding claims 17, 40 and 63, B&N in view of Hartman teaches converting the first and any second purchase request into an executable order and sending the executable order to an order fulfillment system.

Regarding claims 18, 41 and 64, B&N in view of Hartman teaches receiving a second online purchase request for a second item from the customer, and adding the second item to the first quote when the second online purchase request is received before the first quote is converted into the first order.

Regarding claims 19, 42 and 65, B&N in view of Hartman teaches receiving a second online purchase request for a second item from the customer, and adding the second item to the first quote when the quote conversion process determines that the first quote has remained unmodified for a period of time that is less than the consolidation interval.

Regarding claim 20, 43 and 66, B&N in view of Hartman teaches receiving a second online purchase request for a second item from the customer, and generating a second quote that includes an identification of the second item and the retrieved information when the quote conversion process determines that the first quote has remained unmodified for a period of time greater than the consolidation interval.

Regarding claims 21, 44 and 67, B&N in view of Hartman teaches quote conversion process determines a difference between a time at which a last modification to the first quote was made and a current time and converts the quote to the first order when the difference is greater than the consolidation interval.

Regarding claim 22, 45 and 68, B&N in view of Hartman teaches sending a message to the customer when the first quote is converted into the first order.

Regarding claims 23, 46 and 69, B&N in view of Hartman teaches message includes an email.

Claims 6, 29 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes & Noble hereinafter known as B&N in view of Hartman et al. US Patent 5,960,411 and further in view of Kawashima et al. US Patent 5,168,445 hereinafter known as Kawashima.

Regarding claims 6, 29 and 52, on page 5, line 8 of the application originally filed on 01 April 2001, applicant recites "The first online purchase request may be received from an automated process configured to generate the first online purchase request at a selectable date and/or interval". Applicant has not clearly disclosed the automated process, its capabilities, its scope etc. B&N in view of Hartman teaches The method of Claim 1, wherein the first online purchase request is received from an automated process configured to generate the first online purchase request. B&N in view of Hartman does not teach purchase request at one of a selectable date and interval. However, Kawashima teaches automated ordering system for purchase request at selectable date and time interval.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify B&N in view of Hartmann as taught by Kawashima to control of goods distributed daily for which demand changes greatly.

Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

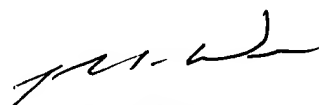
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Naresh Vig
May 13, 2005



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600